

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

ANGELA STUDDARD, INDIVIDUALLY AND AS
LAWFUL WIFE, NEXT OF KIN, ADMINISTRATOR AD LITEM
AND PERSONAL REPRESENTATIVE
FOR EDMOND STUDDARD, DECEASED AND
ESTATE OF EDMOND STUDDARD

Plaintiff,

VS.

Civil Action No. 2:17-cv-02517

JURY DEMANDED

SHELBY COUNTY, TENNESSEE
AND ERIN J. SHEPHARD, INDIVIDUALLY
AND TERRY L. REED, INDIVIDUALLY

Defendants.

**PLAINTIFF’S RESPONSE IN OPPOSITION TO
DEFENDANTS’ MOTION TO STAY PROCEEDINGS**

Comes now the Plaintiff, by and through counsel of record and would file the Plaintiff’s Response in Opposition to Defendants’ Motion to Stay Proceedings. In opposition to said motion, the Plaintiff would respectfully state the following:

1. The Sixth Circuit Court of Appeals has previously issued its order and corresponding mandate in this case affirming this Honorable Court. (ECF Nos. 179, 180)
2. Defendants did not seek rehearing or rehearing en banc.
3. The mandate has issued in this cause in which the Sixth Circuit held that “Studdard’s

claim deserves resolution by a jury”.

4. This Honorable Court does not have jurisdiction to stay a mandate of the Sixth Circuit Court of Appeals. Rule 41 of the Federal Rules of Appellate Procedure.

5. The time for filing a motion to stay proceedings has passed.

6. There is no valid reason to grant the stay requested.

7. In the alternative, if this Honorable Court grants the stay, Defendants should be required to post a \$10,000,000.00 bond for the payment of any money judgment in this cause as a condition of the requested stay as requested in Plaintiff’s Amended Complaint.

8. Defendants have waited too long to file a motion to stay after the mandate in this cause has issued.

9. This cause has been pending 2 ½ years and needs resolution.

Wherefore, Plaintiff respectfully prays that this Honorable Court deny Defendants’ Motion to Stay Proceedings and set this matter for jury trial as mandated by the Sixth Circuit.

Respectfully submitted,

s/Daniel A. Seward
Daniel A. Seward
Attorney for Plaintiff
Seward Law Firm
4510 Chickasaw Road
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CERTIFICATE OF SERVICE

I, Daniel A. Seward, Attorney for Plaintiff, do hereby certify that I have served a true and correct copy of the foregoing Response in Opposition on Mr. John Marshall Jones and Mr. Lee Whitwell, Attorneys for Defendants, via ECF filing, on this the 11th day of December, 2019.

s/Daniel A. Seward
Daniel A. Seward